



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

400 Seventh St., S.W.
Washington, D.C. 20590

FEB - 5 2002

Mr. Andrew N. Romach
Regulatory Manager
URS Corporation
P.O. Box 13000
Research Triangle Park, NC 27709

Ref. No. 01-0224

Dear Mr. Romach:

This responds to your August 27, 2001 letter requesting clarification on the applicability of Special Provision 110 in § 172.102 of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) regarding your empty fire extinguisher. Specifically, you ask whether your empty fire extinguisher which still contains the explosive actuating cartridge may be shipped as unregulated material under Special Provision 110 in the HMR.

According to your letter your empty fire extinguisher was previously charged with a nonflammable, nontoxic, noncorrosive material. However, the empty fire extinguisher still retains its originally installed explosive actuating cartridge that allowed quick release of the fire extinguishing materials. The proper shipping description "Fire extinguisher charges, expelling, explosive" refers you to "Cartridges, power device" listed in the Hazardous Materials Table in § 172.101. Special Provision 110 in column (7) for that description states that cartridges containing 3.2 grams or less of deflagrating (propellant) explosives installed in a fire extinguisher are not subject to the requirements of this subchapter.

It is the opinion of this Office that the empty fire extinguisher with the explosive actuating cartridge attached is regulated under the HMR as an explosive device, and, therefore, Special Provision 110 does not apply. Before being offered for transportation, the explosive actuating device must be approved by the Associate Administrator for Hazardous Materials Safety as specified in § 173.56. An empty fire extinguisher with the explosive actuating cartridge removed is not subject to the HMR.

I hope this answers your inquiry.

Sincerely,

Delmer F. Billings
Chief, Standards Development
Office of Hazardous Materials Standards



010224

172.102

URS

August 27, 2001

Mr. Ed Mazzullo, Director
Office of Hazardous Material Standards
Research and Special Programs Administration
U.S. Department of Transportation
400 7th Street, SW
Washington, DC 20590-0001

FAX: (202) 366-3012

Dear Mr. Mazzullo:

I am writing to you to request a written regulatory interpretation concerning the most appropriate hazard classification for a fire extinguisher, previously charged with a nonflammable, nontoxic, noncorrosive material, but now empty of its fire extinguishing materials and at atmospheric pressure. The fire extinguisher still retains its originally installed actuating cartridge that allowed quick release of the fire extinguishing materials.

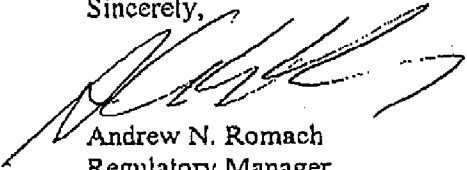
In association with the proper shipping name "Fire Extinguisher" listed in the Hazardous Materials Table in 49 CFR 173.101, Special Provision 110 in column (7) states that:

- 110 Cartridges containing 3.2 grams or less of deflagrating (propellant) explosives installed in a fire extinguisher are not subject to the requirements of this subchapter.

Even though the fire extinguisher is now empty of its fire extinguishing material and no longer meets the hazard criteria for a Division 2.2 compressed gas, would the fire extinguisher still be able to take advantage of the exception in Special Provision 110 and be shipped as not subject to the HAZMAT regulations?

I appreciate your consideration of this matter.

Sincerely,



Andrew N. Romach
Regulatory Manager
URS Corporation

URS Corporation
P.O. Box 13000
Research Triangle Park, NC 27709
1600 Perimeter Park Drive
Morrisville, NC 27560
Tel: 919.481.1100
Fax: 919.461.1415

Booth e
§ 172.302.
Applicability
01-0224